

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 565/2010 and IAs No.3988/2010 & 13047/2012**

Decided on : 24.02.2015

IN THE MATTER OF:

JAN KALYAN TRUST & ORS

..... Plaintiffs

Through: Mr. S.K. Sharma, Advocate

versus

ISHWAR SINGH MASTER

..... Defendant

Through: Mr. V.P. Rana, Advocate

CORAM

HON'BLE MS.JUSTICE HIMA KOHLI

HIMA KOHLI, J.(Oral)

1. The present suit has been instituted by the plaintiffs against the defendant, praying *inter alia* that the defendant be restrained from forcibly dispossessing them from a parcel of agricultural land measuring 1 bigha 16 biswas, comprised in Khasra No.50/15 min.(1-16) situated in the revenue state of village Khera Kalan, Delhi.

2. Written statement in opposition has been filed by the defendant.

3. Mr. Rana, learned counsel for the defendant states that on 22.2.2011, a preliminary issue was framed in the present case based on preliminary objection No.1 taken in the written statement with regard to the maintainability of the suit. He submits that by the time the plaintiff

had instituted the present suit in March, 2010, consolidation proceedings had already taken place in respect of the subject land and in terms of the said consolidation proceedings, Khasra No.40/15 had been obliterated and the Consolidation Officer re-numbered the land comprised in the said Khasra No. as 40/15/1 min. and 40/15/2 min. He further states that in the course of repartitioning of the said land, Khasra No.40/15/1 min. has been allotted to the defendant and Khasra No.40/15/2 min. has been allotted to the plaintiffs. As a result, it is contended that the suit as instituted by the plaintiff is not maintainable.

4. Counsel for the plaintiffs states that in view of the averments made by the defendant in the written statement, his client does not wish to press the present suit. However, the plaintiffs reserve their right to seek their remedies against the defendants under the East Punjab Holding (Consolidation & Prevention of Fragmentation) Act, 1948.

5. Leave, as prayed for, is granted. The suit is dismissed as withdrawn, along with the pending applications.

6. The interim order dated 26.3.2010 stands vacated.

7. File be consigned to the Record Room.

FEBRUARY 24, 2015
sk/rkb

(HIMA KOHLI)
JUDGE